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SUBJECT: MOJ POISED TO PUBLISH MEDIA LAW: A POSITIVE, BUT  
LARGELY SYMBOLIC STEP

REF: A. KABUL 1372  
[1](#)B. KABUL913  
[1](#)C. KABUL 1134  
[1](#)D. KABUL 361

[1](#)1. (U) On July 8 Minister of Justice Sanwar Danish announced that MOJ will soon publish the media law in the official gazette. Palace sources also confirmed that President Karzai authorized the publication. The law will reflect the Afghan Supreme Court's March 2009 determination that the National Assembly's Lower House does not have the authority to confirm the President's nominee for Director of Radio and Television Afghanistan (RTA) (reftel A). A MOJ official told us on July 9 that MOJ may print the law as soon as July 11.

[1](#)2. (SBU) Journalists largely support publication of the law even with the modification giving the President control over the RTA Director position. Sediqullah Tauhidi, Director of Nai Open Media and board member of the Afghan National Journalists Union said his union strongly favors the law in that it provides legal protections to journalists who express critical views, provides a framework for journalists to express complaints, and recognizes journalists' right to unionize. In terms of the law's immediate effects, however, journalists are less sanguine. Moby Media Group co-owner Saad Mohseni told the Ambassador on July 7 that, "it is too late for the media law to level the playing field for challengers to Karzai in the election; the window of opportunity has closed." Co-owner Jahid Mohseni added, "if the President directly selects the RTA Director, it will remain a tool of his administration." Human rights activists are even more critical. RTA is already a government propaganda outlet, Afghan Independent Human Rights Commission's Nader Naderi said. Naderi claimed that by vetoing the text passed by Parliament which balanced control of RTA between the legislative and executive branches, ignoring Parliament's override of the veto (reftel B), and trumping up a constitutional excuse to refer the law to the Supreme Court for modification, Karzai enshrined RTA's partiality and mocked the principle of separation of powers.

Comment  
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[1](#)3. (SBU) Publication of the media law is an important step in that it establishes principles, structures, and processes which could, in future years, help protect freedom of expression. Low capacity and lack of political will, the latter evidenced by the continued imprisonment of Sayed Perwez Kambakhsh, Ghous Zalmai, and Mullah Qari Mushtaq, (reftel C,D) will prevent the law from having any significant effect in the short term.  
EIKENBERRY